

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JASON ROMAN,	:	
	:	CIVIL ACTION
Plaintiff,	:	
v.	:	NO. 02-4763
	:	
	:	
CITY OF READING and	:	
READING POLICE DEPARTMENT,	:	
Defendants.	:	JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2004, upon consideration of Defendants' Motion for Leave to File a Reply Brief to Plaintiff's Response to Defendants' Motion to Dismiss the Complaint Pursuant to Rule 37(d), leave is granted and Defendants' attached Reply Brief is accepted as filed.

BY THE COURT:

CYNTHIA M. Rufe, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JASON ROMAN,	:	
	:	CIVIL ACTION
Plaintiff,	:	
v.	:	NO. 02-CV-4763
	:	
	:	
CITY OF READING and	:	
READING POLICE DEPARTMENT,	:	
Defendants.	:	JURY TRIAL DEMANDED

**MOTION FOR LEAVE TO FILE A REPLY BRIEF TO
PLAINTIFF'S RESPONSE TO DEFENDANTS'
MOTION TO DISMISS THE COMPLAINT PURSUANT TO RULE 37**

Defendants City of Reading and Reading Police Department (“Defendants”), by and through their attorneys, Montgomery, McCracken, Walker & Rhoads, LLP, respectfully move for leave to file a reply brief to Plaintiff’s response to Defendants’ Motion to Dismiss the Complaint Pursuant to Rule 37 and in support thereof, aver the following:

1. On February 23, 2004, Defendants filed a Motion to Dismiss the Complaint Pursuant to Rule 37 Based upon Plaintiff’s Failure to Comply with Court’s Order to Provide Initial Disclosures, Answers to Interrogatories and Document Requests, and HIPAA Authorizations, supporting Memorandum of Law, and Proposed Order along with an accompanying Memorandum of Law and proposed Order.

2. On March 8, 2003, Plaintiff filed an Answer and New Matter to Defendants’ Motion to Dismiss.

3. Defendants request permission to file a Reply Brief to address arguments Plaintiff has raised for the first time in his response, which arguments Defendants could not have

anticipated because Plaintiff's response relies upon factual and legal inaccuracies in a last ditch attempt to "muddy the waters" in order to avoid dismissal of his frivolous claims.

4. Defendants believe that the Court's consideration of their Reply Brief would be helpful to the Court's analysis of the legal arguments before it and would fully inform the Court of all applicable legal authority and pertinent facts developed in discovery necessary to render a fair, accurate and just decision.

5. Accordingly, Defendants respectfully request that they be permitted to briefly reply to Plaintiff's arguments.

WHEREFORE, Defendants respectfully request that, in the interest of justice and so that the Court is fully informed of the facts and all applicable law, this Court permit Defendants to file, and the Court consider, Defendants' Reply Brief to Plaintiff's Response to Defendants' Motion to Dismiss the Complaint Pursuant to Rule 37.

Respectfully submitted,

Dated: 3/11/04

/s/ Janelle E. Fulton (jef51)
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Attorneys for Defendants
 City of Reading and
 Reading Police Department

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2004, I served a true and correct copy of the foregoing Motion for Leave to File a Reply Brief to Plaintiff's Response to Defendants' Motion to Dismiss the Complaint Pursuant to Rule 37 and Proposed Order upon the following by first class United States mail, postage pre-paid:

W. Thomas Anthony, Esquire
451 Main Street
Bethlehem, PA 18018
Attorney for Plaintiff

/s/ Janelle E. Fulton (jef51)

Janelle E. Fulton